

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Criminal Action No.
	)	07-00094-01-CR-W-DW
CRAIG S. HENDERSON,	)	
	)	
Defendant.	)	

REPORT AND RECOMMENDATION

On April 16, 2007, defendant filed a motion for a judicial determination of mental competency. Defendant was found incompetent and was committed to a medical facility for treatment. On February 11, 2008, Mark Cheltenham, M.D., a psychiatrist, and Carlton Pyant, Ph.D., a psychologist, completed a report finding defendant competent to stand trial, and the Complex Warden signed a Certificate of Restoration of Competency to Stand Trial.

On March 7, 2008, I held a competency hearing. Defendant was present, represented by Federal Public Defender Ray Conrad. The government was represented by Assistant United States Attorney Kathleen Mahoney. The parties stipulated to the contents and findings of the report of Drs. Cheltenham and Pyant as the only evidence of whether the defendant is competent to stand trial and to assist in his defense (Tr. at 2-3).<sup>1</sup>

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<sup>1</sup>"Tr". refers to the transcript of the competency hearing.

Based upon the uncontroverted evidence stipulated to by the parties in this case, I find that the defendant is competent to stand trial and to assist in his defense. Therefore, it is

RECOMMENDED that the court, after making an independent review of the record and applicable law, enter an order finding defendant competent to stand trial and to assist in his defense.

The parties waived the ten day objection period provided for in 28 U.S.C. § 636(b)(1). Objections to this Report and Recommendation are due by March 11, 2008.

/s/ Robert E. Larsen  
ROBERT E. LARSEN  
United States Magistrate Judge

Kansas City, Missouri  
March 10, 2008